

SECOND REGULAR SESSION

HOUSE BILL NO. 1752

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CAUTHORN.

5799L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 260, RSMo, by adding thereto one new section relating to environmental control rules.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 260, RSMo, is amended by adding thereto one new section, to be known as section 260.373, to read as follows:

260.373. 1. Other provisions of law notwithstanding, the commission shall have authority to promulgate rules and regulations under sections 260.350 to 260.434 to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Resource Conservation and Recovery Act. The standards and guidelines established shall not be any stricter than those required under the provisions of the federal Resource Conservation and Recovery Act; nor shall such standards and guidelines be enforced in any area of the state prior to the time required by the federal Resource Conservation and Recovery Act. If the federal Resource Conservation and Recovery Act is silent on any provision, promulgation of a rule or regulation by the commission pertaining to that provision shall be prohibited.

2. The commission shall also have the authority to grant exceptions and variances from the rules established by the commission under subsection 1 of this section when the person applying for the exception or variance shows compliance with such rules:

- (1) Would cause economic hardship; or**
- (2) Is physically impossible; or**
- (3) Is more detrimental to the environment than the variance would be; or**
- (4) Is impractical or of insignificant value under the existing conditions.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. No later than July 31, 2013, the department shall identify rules in title 10, code**
19 **of state regulations, division 25, that establish standards and guidelines that are stricter**
20 **than those required under the federal Resource Conservation and Recovery Act and shall**
21 **file with the Missouri secretary of state the amendments to the regulations that are**
22 **necessary to eliminate provisions that are stricter than those required under the federal**
23 **Resource Conservation and Recovery Act. On July 31, 2014, any rule in title 10, code of**
24 **state regulations, division 25, that establishes standards that are stricter than those**
25 **required under the federal Resource Conservation and Recovery Act shall be null and**
26 **void.**

27 **4. The department is prohibited from selectively excluding any regulation or part**
28 **of any regulation promulgated by the commission from any authorization application**
29 **package submitted to the United States Environmental Protection Agency under 40 CFR**
30 **271.5 unless authorized by the commission.**

31 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
32 **created under the authority delegated in this section shall become effective only if it**
33 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
34 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
35 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
36 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
37 **of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**
38 **invalid and void.**

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